

TO: Julie Rochester  
General Counsel, CTIA

CC: Kevin Martin, Commissioner FCC  
Sam Feder Legal Advisor, FCC  
Marlene Dortch, Secretary, FCC  
Diane Cornell, VP Regulatory Affairs, CTIA

It has been brought to my attention that on July 11, 2003 the CTIA filed an Ex Parte presentation to Sam Feder of the FCC commenting on the 800 MHz Balanced Plan and Consensus Plan. In that document your organization represented the City of Fort Lauderdale as being against the Consensus Plan. You used the Title "PUBLIC SAFETY LICENSEES WHO HAVE EXPRESSED RESERVATIONS ABOUT THE "CONSENSUS PLAN". In the document there is a quote from The City of Fort Lauderdale which was ostensibly made about the Consensus Plan. This quote is actually taken from the City's original response to the FCC's original NPRM and the original Nextel White Paper. These comments were submitted on May 3, 2002 before the Consensus document was drafted and published. The fact that you attribute the comments to the Consensus Plan is in itself erroneous. Further, you cite May 3 as the date of the comments yet you failed to include the year. Any reasonable person would attribute the comment to this year when, in actuality it is over a year old. That creates further suspicion on my part as to what the intent of using the citation was.

When the original FCC NPRM was published Fort Lauderdale said it was inadequate. When the initial Consensus Report was issued Fort Lauderdale commented, in September 2002, that it too, was not detailed enough to support. Subsequently the Consensus Group has demonstrated what appears to be a complete and workable solution for both the short and long term and the City does, indeed, support the Consensus Plan.

It would be appreciated if you would correct, on the record, your comments to the FCC regarding Fort Lauderdale.

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